

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**U.S. SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

VLADISLAV KLIUSHIN, *et al.*,

Defendants.

Case No. 1:21-cv-12088-WGY

**AFFIDAVIT OF JAMES P. CONNOR REGARDING
TIMING OF MOTION FOR DEFAULT JUDGMENT**

I, James P. Connor, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am employed as a trial attorney by the United States Securities and Exchange Commission (“SEC”) in the Division of Enforcement, at the SEC’s headquarters office in Washington, D.C. I represent the SEC in the above-captioned matter.

2. On July 6, 2022, the SEC requested that the Clerk of Court enter default against four Defendants Nikolai Rumiantcev, a/k/a Nikolay Rumyantcev (“Rumiantcev”), Mikhail Irzak (“Irzak”), Igor Sladkov (“Sladkov”), and Ivan Yermakov, a/k/a Ivan Ermakov (“Yermakov”) (collectively, “Defaulting Defendants”).¹ ECF No. 26.

3. On July 13, 2022, the Clerk of Court issued a Notice of Default as to the Defaulting Defendants. ECF No. 28.

4. On the same day, the Court held a status conference, at which the Court “administratively closed [the case] as of July 30, 2022 pending the outcome of [the] related

¹ The final defendant, Defendant Vladislav Kliushin, waived service and filed an answer to the Complaint on February 22, 2022. See ECF No. 6 (Waiver of Service); ECF No. 10 (Answer).

criminal matter,”² and ordered that “the case may be reopened upon motion of any party.” ECF No. 27 (Electronic Clerk’s Notes for proceedings held before Judge William G. Young).

5. Following the status conference, the Court entered its “Standing Order Regarding Motions for Default Judgment.” ECF No. 29 (July 13, 2022). The Standing Order states that “appropriate action with respect to this Standing ORDER shall be taken by the moving party within 30 days of the date of the issuance of this ORDER,” and that if “the moving party cannot take necessary and appropriate action, that party shall file an affidavit describing the status of this case and show good cause why necessary and appropriate action with respect to this Standing ORDER cannot be taken in a timely fashion and further why this case should remain on the docket.” *Id.*

6. The SEC cannot file the motion for default judgment as to the Defaulting Defendants in this matter because the case has been administratively closed pending the outcome of the related criminal matter, which is set for trial in two months, on October 11, 2022. *See* Pretrial Order, *United States v. Klyushin*, et al., No. 21-cr-10104-PBS (D. Mass.), ECF No. 72 (June 8, 2022).

7. The SEC will file its motion for default judgment as to the Defaulting Defendants in accordance with the Standing Order Regarding Motions for Default Judgment within 30 days of the Court’s reopening of the matter following the outcome of the related criminal matter.

² The related criminal matter is *United States v. Klyushin*, et al., No. 21-cr-10104-PBS (D. Mass.).

I declare under penalty of perjury under the laws of the United States of America, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge, information and belief.

Dated: August 4, 2022

/s/ James P. Connor
James P. Connor